

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTONIO HATTIX,

Defendant.

8:17CR209

ORDER

This matter is before the court on the Defendant's Petition for Certificate of Appealability, ECF No. 76.

A petitioner under 28 U.S.C. § 2255 may not appeal an adverse ruling unless he is granted a certificate of appealability. 28 U.S.C. § 2253(c)(1); Fed. R. App. P. 22(b)(1). A certificate of appealability will not be granted unless the movant has "made a substantial showing of the denial of a constitutional right." § 2253(c)(2). To show this denial, "[t]he petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). The Defendant made no such showing, and the Court denied a certificate of appealability in the Court's Memorandum and Order of October 3, 2019, ECF No. 70, and Judgment, ECF No. 71.

IT IS ORDERED:

1. The Defendant's Petition for Certificate of Appealability, ECF No. 76, is denied as moot; and
2. The Clerk is directed to mail a copy of this Order to the Defendant at his last known address.

Dated this 17th day of December 2019.

BY THE COURT:

s/Laurie Smith Camp
Senior United States District Judge